



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAVALIER KNIGHT,

22 Civ. 3215 (VEC) (VF)

Plaintiff,

ORDER

-against-

THE CITY OF NEW YORK, and KEECHANT L.
SEWELL, in her official capacity as Commissioner
of the New York City Police Department and the
statutory handgun licensing officer for the City,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge.

On August 25, 2022, Defendants filed a motion to dismiss Plaintiff's amended complaint for lack of subject-matter jurisdiction. See ECF No. 29. Judge Caproni referred the motion to me for the issuance of a report and recommendation. See ECF No. 10. Because Plaintiff is proceeding *pro se*, I construe the allegations in his amended complaint liberally.

Plaintiff appears to be raising, in addition to his other claims, a facial challenge to the constitutionality of the City's gun-dealer licensing scheme. See, e.g., Am. Compl. ¶¶ 15, 28, 40-41, 79, 95, 110, 175. Defendants' memoranda in support of their motion to dismiss do not address whether the Court has subject-matter jurisdiction to consider Plaintiff's facial challenge to the City's gun-dealer licensing scheme.

By **Friday, October 21, 2022**, Defendants are directed to address the question of whether the Court can retain Plaintiff's amended complaint to the extent it is raising a facial challenge to

the gun-dealer rules and regulations. Plaintiff may file any opposition or response to Defendants' submission by **Friday, November 4, 2022**.

SO ORDERED.

DATED: New York, New York
October 7, 2022

A handwritten signature in black ink, appearing to read 'Valerie', is written above a horizontal line.

VALERIE FIGUEREDO
United States Magistrate Judge